

**ASSEMBLY BILL**

**No. 1443**

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**Introduced by Assembly Member Hancock**

February 22, 2005

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An act to amend Sections 26908.5 and 36525 of the Government Code, relating to local agency auditors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1443, as introduced, Hancock. Local agency auditors.

Existing law provides that all books, papers, records, and correspondence of an auditor, as defined, of a county, special district, or city that pertain to his or her work are public records. The personal papers and correspondence of any person providing assistance to the auditor who has requested in writing that the papers be kept private and confidential are not public records unless the written request is withdrawn or the auditor orders that they shall become public records.

This bill would delete the ability of the auditor to order those papers and correspondence to become public records.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 26908.5 of the Government Code is  
2 amended to read:  
3 26908.5. (a) As used in this section "auditor" includes an  
4 elected or appointed officer or full-time employee of a county or  
5 a special district who is compensated, but does not include an  
6 independent contractor.

1 (b) All books, papers, records, and correspondence of an  
 2 auditor pertaining to his or her work are public records subject to  
 3 Chapter 3.5 (commencing with Section 6250) of Division 7 of  
 4 Title 1 and shall be filed at any of the regularly maintained  
 5 offices of the auditor. However, none of the following items or  
 6 papers of which these items are a part may be released to the  
 7 public by the auditor or his or her employees:

8 (1) Personal papers and correspondence of any person  
 9 providing assistance to the auditor when that person has  
 10 requested in writing that his or her papers and correspondence be  
 11 kept private and confidential. Those papers and that  
 12 correspondence shall become public records if the written request  
 13 is withdrawn ~~or upon the order of the auditor.~~

14 (2) Papers, correspondence, memoranda, or any substantive  
 15 information pertaining to any audit not completed.

16 (3) Papers, correspondence, or memoranda pertaining to any  
 17 audit that has been completed, which papers, correspondence, or  
 18 memoranda are not used in support of any report resulting from  
 19 the audit.

20 SEC. 2. Section 36525 of the Government Code is amended  
 21 to read:

22 36525. (a) As used in this section “city auditor” includes an  
 23 elected or appointed officer or full-time employee of the city who  
 24 is compensated, but does not include an independent contractor.

25 (b) All books, papers, records, and correspondence of the city  
 26 auditor pertaining to his or her work are public records subject to  
 27 Chapter 3.5 (commencing with Section 6250) of Division 7 of  
 28 Title 1 and shall be filed at any of the regularly maintained  
 29 offices of the city auditor. However, none of the following items  
 30 or papers of which these items are a part may be released to the  
 31 public by the city auditor, or his or her employees:

32 (1) Personal papers and correspondence of any person  
 33 providing assistance to the city auditor when that person has  
 34 requested in writing that his or her papers and correspondence be  
 35 kept private and confidential. Those papers and that  
 36 correspondence shall become public records if the written request  
 37 is withdrawn ~~or upon the order of the city auditor.~~

38 (2) Papers, correspondence, memoranda, or any substantive  
 39 information pertaining to any audit not completed.

1 (3) Papers, correspondence, or memoranda pertaining to any  
2 audit that has been completed, which papers, correspondence, or  
3 memoranda are not used in support of any report resulting from  
4 the audit.

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